

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

signed 7/17/01

MARIA KALUZYNSKI,
Plaintiff

v.

DON ARMSTRONG,
Defendant

Civil No. 00-267-B-C

**ORDER AFFIRMING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE WITH RESPECT TO DEFENDANT ARMSTRONG¹**

United States Magistrate Judge Kravchuk filed with the Court on May 16, 2001, with copies to counsel, her Recommended Decision herein (Docket No. 22). Plaintiff filed her objection thereto on June 4, 2001, (Docket No. 26), to which objection Defendants The Crisis and Counseling Centers, Inc., Barbara Kim, and Dr. Neal Colan filed their response on June 15, 2001 (Docket No. 30). Defendant Lynne Doucette filed her response to Plaintiff's objection to the Recommended Decision on June 18, 2001 (Docket No. 31). Defendant Don Armstrong filed his response to Plaintiff's objections to the Recommended Decision on June 21, 2001 (Docket No. 34). This Court having reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision as to Defendant Armstrong and having **DENIED** Plaintiff's Motion to Amend Her Complaint (Docket No. 24) by its Order of this date (Docket No. 41), and concurring with the recommendations of the United States Magistrate

¹The Court has acted by a separate Order with respect to its *de novo* review of the Recommended Decision to grant the Motions to Dismiss of the other Defendants, Holmes, Stewart, Doucette, The Crisis and Counseling Centers, Inc., Kim, and Colan. *See* Docket No. 42.

Judge as to disposition of this Defendant's Motion to Dismiss the original Complaint as to said Defendant for the reasons set forth in her Recommended Decision, it is **ORDERED** as follows:

- (1) Plaintiff's objection is hereby **DENIED** as to Defendant Armstrong;
- (2) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED** insofar as it relates to disposition of Defendant Armstrong's Motion to Dismiss;
- (3) The Motion to Dismiss of Defendant Armstrong (Docket No. 6) is hereby **GRANTED in part**, and Count I is hereby **DISMISSED**;
- (4) The remaining state law claims contained in the Complaint against Defendant Armstrong are hereby **DISMISSED without prejudice**.

GENE CARTER
District Judge

Dated at Portland, Maine this 17th day of July, 2001.

MARIA KALUZYNSKI, Individually	WILLIAM D. ROBITZEK
and in her capacity as	784-3576
Personal Representative for	[COR LD NTC]
the Estate of JERZY SIDOR	BERMAN & SIMMONS, P.A.
plaintiff	P. O. BOX 961
	LEWISTON, ME 04243-0961
v.	784-3576

DON ARMSTRONG	LEANNE ROBBIN, AAG
defendant	[term 06/22/01]
	[COR LD NTC]
	MELISSA REYNOLDS O'DEA, ESQ.
	[COR LD NTC]
	ASSISTANT ATTORNEY GENERAL
	STATE HOUSE STATION 6
	AUGUSTA, ME 04333-0006
	626-8800

GARFIELD HOLMES
defendant

LEANNE ROBBIN, AAG
[term 06/22/01]
(See above)
[COR LD NTC]
MELISSA REYNOLDS O'DEA, ESQ.
(See above)
[COR LD NTC]

PETER STEWART
defendant

LEANNE ROBBIN, AAG
[term 06/22/01]
(See above)
[COR LD NTC]
MELISSA REYNOLDS O'DEA, ESQ.
(See above)
[COR LD NTC]

LYNN DOUCETTE, Individually
and in her official capacity
as police officer with
Monmouth Police Department
defendant

EDWARD R. BENJAMIN, JR.
[COR LD NTC]
THOMPSON & BOWIE
3 CANAL PLAZA
P.O. BOX 4630
PORTLAND, ME 04112
774-2500

CRISIS AND COUNSELING CENTERS
INC
defendant

JON HADDOW, ESQ.
[COR LD NTC]
FARRELL, ROSENBLATT & RUSSELL
P.O. BOX 738
BANGOR, ME 04402-0738
(207) 990-3314

BARBARA KIM, Individually and
in her official capacity as
caseworker with The Crisis and
Counseling Center
defendant

JON HADDOW, ESQ.
(See above)
[COR LD NTC]

NEAL COLAN, DR, Individually

JON HADDOW, ESQ.

and in his official capacity (See above)
as Director of The Crisis and [COR LD NTC]
Counseling Center
defendant